

REMARKS

Claims 1-24 are pending in the present application, of which claims 1, 14, 18 and 21-23 are independent. Claims 6 and 23 have been amended. After entry of the above amendments, claims 1-24 are pending in the present application, of which claims 1, 14, 18 and 21-23 are independent.

Applicants believe that the present application is in condition for allowance, which prompt and favorable action is respectfully requested.

I. DRAWINGS

Enclosed here herewith is amended Figure 1D in which the proposed changes are made. Applicant respectfully requests the Examiner to accept these Figures as amended because they correct informalities pointed out by the Examiner.

With respect to Figures 2, 5A, 7C, 7E, 8B-D and 13, Applicants have amended the corresponding specification to add the reference character(s) pointed out by the Examiner. Applicants submit that the amendments have been made to correct the informalities and not to narrow the scope of the claim. Also, the amendments are disclosed in the respective Figures such that no new matter has been submitted.

Therefore, Applicants respectfully request withdraw of the objection to the drawings.

II. CLAIM OBJECTIONS

Applicants would first like to thank the Examiner for the careful review and for pointing out the informalities in claim 6. Claim 6 has been amended to correct the informality and not to narrow the scope of the claim.

With respect to claim 7, Applicants submit that the term "ESP" has been defined in paragraph 1068. If the Examiner wishes, Applicant can amend the claim to spell out the Acronym.

III. CLAIM REJECTION UNDER 35 U.S.C. §101

The Examiner rejected claims 21-24 as having non-statutory subject matter. Applicants respectfully disagree.

With respect to claim 21, Applicants submit that the subject matter has expressed an apparatus by the means for performing a specified function as defined in 35 U.S.C. §112 sixth paragraph. Therefore, claim 21 is permitted and not non-statutory.

With respect to claim 22, Applicants submit that the subject matter claimed is "a digital signal storage device" and not just the digital signal. Also, Applicants submit that software is considered statutory subject matter if there is a medium involved. Since the subject matter of claim 22 involves a storage device, claim 22 is not non-statutory.

With respect to claims 23 and 24, Applicants have amended claim 23 and believe that the subject matters are also not non-statutory.

Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §101.

VI. REJECTION UNDER 35 U.S.C. §102

The Examiner rejected claims 1-6 and 14-24 under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 5,467,398 issued to Pierce et al. (hereinafter "Pierce"). The rejection is respectfully traversed in its entirety.

To anticipate a claim under 35 U.S.C. §102(e), the reference must teach every element of the claim and "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." (see MPEP §2131).

Pierce discusses a typical key exchange between a subscriber unit and an infrastructure communications center. In the section cited by the Examiner, it teaches providing a messaging key and associated subscriber unit reference number to the subscriber unit and the infrastructure communications center. Pierce also teaches generating an authentication key and identifier at either the subscriber unit or the infrastructure communications center. The authentication key with the identifier is then encrypted using the messaging key and communicated to the entity that did not generate the key (col. 2, lines 42-58). Thereafter, authentication key is used periodically by the infrastructure communications center to verify the subscriber unit (col. 4, lines 30-35).

Pierce does not teach or even mention a short term key as in independent claims 1, 14, 18 and 21-23. It does not teach or even suggest encrypting a message with an access key, forming an Internet protocol header comprising a short term key identifier or transmitting the encrypted message with the Internet protocol header as in claim 1. It does not teach or even suggest receiving a short term key identifier specific to a transmission, encrypting the short term key identifier with the access key to recover the short term key or decrypting the transmission using the short term key as in claims 14 and 21-22.

Accordingly, since Pierce does not teach every element of the claims, Applicants submit that Pierce does not anticipate claims 1, 14, 18 and 21-23. Also, claims 2-6, 15-17, 19-20 and 24 depend from and include all the elements cited in the independent claims 1, 14, 18 and 21-23, respectively. Accordingly, Applicant submits that these claims are believed to be allowable based on their dependency from an allowable base claim as well as other novel features included therein.

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Therefore, Applicants respectfully request a withdrawal of the rejection under 35 U.S.C. §102 for at least the foregoing reasons.

V. REJECTION UNDER 35 U.S.C. §103

The Examiner rejected claims 7-13 under 35 U.S.C. §103 as being unpatentable over Pierce in view of U.S. Patent No. 6,055,236 issued to Nessett et al. (hereinafter "Nessett").

To establish a prima facie case of obviousness for a claimed invention, all the claim elements must be taught or suggested by the prior art. (MPEP 2143.03)

Claims 7- 13 depend from and include all the elements cited in the independent claim 1. Accordingly, Applicant submits that Pierce does not disclose every element of claims 7-13 based on its dependency from claim 1 as well as other novel features included therein. Nessett also does not teach a short key or Internet protocol header as in independent claim 1.

Since neither Pierce nor Nessett, separately or combined, teach or suggest all the elements, Applicants respectfully submit that the Examiner has failed to set forth a prima facie case of obviousness and respectfully requests that the rejections of claims 7-13 be withdrawn.

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CONCLUSION

In light of the response contained herein, Applicants submit that the application is now in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: September 6, 2005

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ANNOTATED MARKED-UP DRAWING

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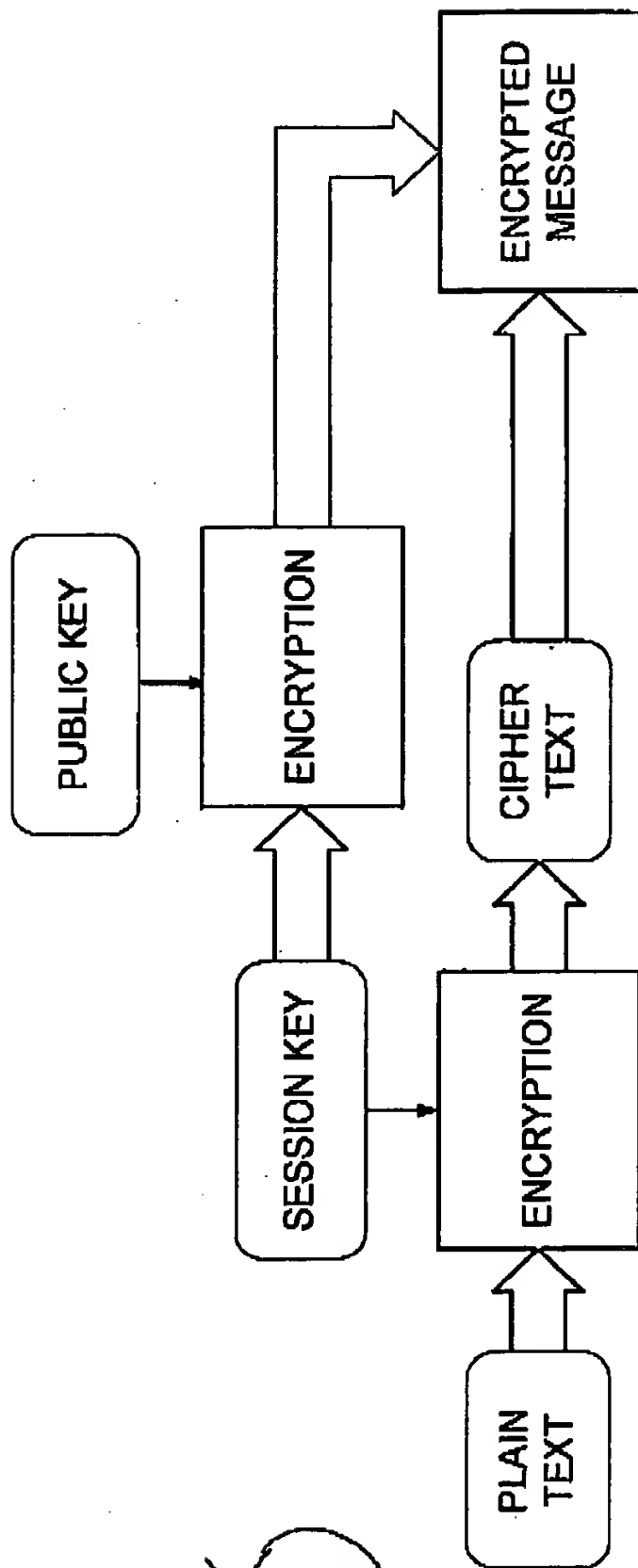


FIG. 1D

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